

## PROCEDURE TO REQUEST A CHANGE IN VENUE

### General Instructions:

Michigan Court Rules allow for the transfer of post judgment domestic relations cases from one county in Michigan to another Michigan county when all of the following conditions are met:

1. The transfer of the action is requested on the basis of the residence and convenience of the parties, or other good cause consistent with the best interest of the minor child(ren).
2. Neither party has resided in the county of current jurisdiction for at least six (6) months prior to the filing of the motion.
3. At least one party has resided in the county to which the transfer is requested for at least six (6) months prior to the filing of the motion.
4. The county to which the transfer is requested is not contiguous to the county of current jurisdiction.

The transfer of a case includes a change in venue and transfer of all Friend of the Court responsibilities.

The party seeking the transfer needs to complete a petition seeking the transfer. A motion form is attached. If the other party to the action will agree to the transfer, he or she can sign the motion where indicated. If both parties sign the motion form, it is then considered a stipulation, or agreement, to the transfer of the file.

If the other party does not agree, the party seeking the transfer can proceed to ask the Judge to order the transfer of the case through a court hearing.

Step 1: Completing the "MOTION/STIPULATION FOR TRANSFERRING CASE" form. (Form FOC 24)

- a. Print or type your case number in the upper right hand corner
  - b. From your court papers, identify who is the Plaintiff and who is the Defendant.
- Fill in the names, current addresses and telephone numbers for yourself and the other party in the boxes provided.

Step 2: If the other party agrees to the transfer, mark the "STIPULATION" box. If the other party does not agree, mark the "MOTION" box.

Step 3: Put the name of the county to which you want the case transferred.

Step 4: If both parties agree to the transfer, place an "X" beside the "We stipulate to the transfer of this case", and both parties sign and date the form.

**IMPORTANT NOTE: IF YOU INITIATE A CASE TRANSFER AND THE PARTIES AGREE TO THE TRANSFER OR THE JUDGE APPROVES OF THE TRANSFER AFTER THE HEARING, YOU MUST PAY A FILING FEE OF \$150 TO OUR COUNTY CLERK. THIS \$150 WILL BE SENT WITH OUR FILE TO THE COUNTY RECEIVING YOUR CASE. THE COURT FILE WILL NOT BE TRANSFERRED WITHOUT PAYMENT OF THE \$150 TO OUR COUNTY CLERK.**

Step 5: If there is no agreement to the transfer, you must complete the “NOTICE OF HEARING” section of the “MOTION/STIPULATION FOR TRANSFERRING CASE” form. (Form FOC 24)

a. Before you can complete this section, you must get a hearing date, time, and location from your presiding Judge:

Honorable Mark S. Braunlich Clerk 734-240-7039  
Honorable Cheryl Lohmeyer Clerk 734-240-7038  
Honorable Frank L. Arnold Clerk 734-240-7021

b. Be sure to get the following information:

- Name of the Judge or Hearing Officer
- Date the hearing is to be held
- Time of the Hearing
- Where the hearing is going to be held. (City, building, room, etc.)

Step 6: Print or type this information in the blanks of the form.

Complete the “CERTIFICATE OF MAILING” section on the “MOTION/STIPULATION FOR TRANSFERRING CASE” form. (Form FOC 24)

There are court rules that must be followed which make sure that the other person knows about the hearing. The “MOTION/STIPULATION FOR TRANSFERRING CASE” form (Form FOC 24) must be mailed at least **9** days before the hearing date.

Step 1: Make sure that you have the original form which you have been filling out and one copy for each of the following: the other person, the Friend of the Court, and yourself. Check all of the copies to make sure that each can be read.

Step 2: Mail one of the copies to the other person. Make sure that your return address is on the envelope.

Step 3: After mailing the other person’s copy, write the date that you actually mailed the copy on the original “MOTION/STIPULATION FOR TRANSFERRING CASE” form (Form FOC 24). You should sign and print your name on the lines provided.

Step 4: Mail or take the original to the Monroe County Clerk’s office, 2<sup>nd</sup> floor, Courthouse, before the hearing date, along with a check payable to the **MONROE COUNTY CLERK** for \$20.00 (filing fee). **The original copy of the form must be received and stamped by the County Clerk’s office at least 7 days before the hearing date.**

Step 5: Mail or take the Friend of the Court’s copy to the Friend of the Court Office, Monroe County Courthouse, 106 E First St, Monroe, MI 48161.

### **WHAT HAPPENS IF THE COPY YOU SENT TO THE OTHER PARTY IS RETURNED TO YOU?**

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person's copy is returned to you, you must:

1. Get the current address of the other person from the Friend of the Court or another source.
2. If there are less than 9 days before the original hearing date, cancel the original hearing date and schedule a new one.
3. Fill out a "new" "MOTION/STIPULATION FOR TRANSFERRING CASE" form (Form FOC 24). Complete this form using the directions on page 1 and 2 of the instructions.
4. When a new address cannot be obtained, cancel the original hearing date which has been scheduled, other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106). A copy of the Michigan Court Rules may be available at your local library.

### **GETTING READY FOR COURT**

Listed below are some tips that may help both parties get ready for the hearing.

1. Make a list of information that you feel is important for the Judge or Hearing Officer to know.
2. Gather any papers that you think will show the Judge or Hearing Officer why or why not a transfer of the file should be allowed.

### **THE HEARING**

Listed below are some tips may help both parties during the hearing.

1. Listen carefully to what the Judge or Hearing Officer says during the hearing.
2. The Judge or Hearing Officer will listen to you, but do not interrupt them or the other party.
3. Ask questions of the Judge or Hearing Officer if you do not understand the order of the court.

**IMPORTANT: IF THE COURT APPROVES THE TRANSFER, YOU MUST SUBMIT A \$150 FILING FEE(MONEY ORDER) MADE PAYABLE TO THE COUNTY CLERK IN THE COUNTY WHICH IS RECEIVING YOUR CASE, TO THE MONROE COUNTY CLERK. THIS FEE WILL BE SENT WITH YOUR COURT FILE TO THE COUNTY CLERK RECEIVING YOUR CASE EVEN IF THE JUDGE SIGNED THE ORDER TRANSFERRING YOUR FILE, IT CANNOT BE SENT TO THE OTHER COURT UNLESS THE \$150 FILING FEE IS PAID! THE JUDGE WILL ADVISE THE FRIEND OF THE COURT TO TRANSFER THE FRIEND OF THE COURT FILE TO THE NEW FRIEND OF THE COURTOFFICE.**